

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Chelsae R. Wessels,
Plaintiff,

v.

BSZ Medical, PA and Benjamin
Zertuche,
Defendants.

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CIVIL ACTION NO. 5:16-cv-00297

JURY TRIAL DEMANDED

**OPPOSED MOTION TO LIFT ABATEMENT AND REQUEST FOR TRIAL
SETTING**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Now comes, plaintiff CHELSAE R. WESSELS (hereinafter “Plaintiff”), and files this opposed Motion to Lift Abatement and Set for Trial and would respectfully show the Court as follows:

1. This matter was called to trial on January 13, 2020. Plaintiff, Chelsae Wessels requested to abate this matter until after a lawsuit between Plaintiff Chelsae Wessels and Defendant Benjamin Zertuche pending in the 218th Judicial District Court of Atascosa County, Texas, Cause No. 13-10-0938-CVA, styled *Benjamin Scott Zertuche v. Chelsea Wessels, CRS Healthcare, LLC, and Joey Urrabazo* (hereinafter, “State Court Lawsuit”), has been tried. The Defendants’, BSZ Medical, PA and Benjamin Zertuche, agreed the Plaintiff’s request. The State Court Lawsuit was set for trial in the spring of 2020 and expected to be tried at that time.

2. The State Court Lawsuit was not, in fact, tried in the spring of 2020. Plaintiff therefore respectfully requests that the abatement on this lawsuit be lifted and that it be set for trial.

3. Plaintiff has conferred with Defendants' counsel, Peter J. Stanton. Mr. Stanton advises that he is opposed.

4. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that this Honorable Court grant this Opposed Motion to Lift the Abatement and Request for Trial Setting.

Respectfully submitted,

THE VETHAN LAW FIRM, PC

By: /s/ Joseph L. Lanza

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CERTIFICATE OF CONFERENCE

The undersigned certifies that he has conferred with Peter J. Stanton, who represents Defendants BSZ, Medical, PA and Benjamin Zertuche, regarding the subject matter of this motion and counsel has advised that Defendants are not opposed.

/s/ Joseph L. Lanza
Joseph L. Lanza

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2020, a true and correct copy of this Unopposed Motion to Lift Stay and request for Trial Setting was served to each person listed below by the method indicated:

Peter J. Stanton
Law Offices of Peter J. Stanton
Suite 1350 Riverview Towers
111 Soledad
San Antonio, Texas 78205

Via CM/ECF

/s/ Joseph L. Lanza
Joseph L. Lanza